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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,570	09/22/2003	Michael Togher	E3331.0587/P/587	6152

7590

12/01/2004

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41st Floor  
1177 Avenue of the Americas  
New York, NY 10036-2714

EXAMINER
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COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/665,570

Applicant(s)

TOGHER ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 22 September 2003

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-3 are pending.
2. The IDS filed 09/22/03 has been considered.

***Abstract***

3. The abstract of the disclosure is objected to because the Abstract appears to be taken from a PCT or foreign application and is not in the proper format for US Application practice. For example, "An anonymous trading system (FIG.1) identifies the best bids and offers". The text in parenthesis needs to be removed throughout the abstract in order for the abstract to conform to US application practice. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 5,297,032) Trojan et al, hereafter Trojan.

With respect to claim 1, Trojan teaches, A method of trading on a computerized trading system said method comprising: displaying a best bid which can be accepted by a trader on a trading terminal used by said trader, said best bid indicating the best price-at-which-said-trader-can-accept-an-offer-to-sell-a-predetermined-quantity-of-a product, said best bid being a composite bid of two smaller bids made by two other

traders using said computerized trading system, each of said two smaller bids being for a quantity of product which is below said predetermined quantity and at a price which is at least as good as said best price; and said trader accepting said best bid (col. 2, line 63-col. 3, line 20, col. 6, lines 55-68, col. 7, line 37-col. 8, lines 51 (Table 1- col. 7 and col. 8), and col. 10, lines 19-43).

With respect to claim 2, Trojan teaches, A method for trading on a computerized trading system, said method comprising: entering a offer from a trader into the trading system, said offer including a quantity and a price; displaying said offer to other traders using the trading system; at least one of said other traders making a partial acceptance of said offer, said partial acceptance covering less than the full quantity of said offer; and thereafter canceling a remaining portion of said order, regardless of its size (col. 1, lines 43-52, col. 2, line 63-col. 3, line 16, col. 6, lines 55-68, col. 7, lines 36-41, and col. 10, lines 44-61).

With respect to claim 3, Trojan teaches, A method of trading on a computerized trading system, said method comprising: entering quotes originating from different traders into said computerized trading system; and displaying on a trading terminal associated with a given trader the best quote which that trader can accept, said best quote being a function of the best price available to said given trader and, if two or more quotes at that price are available to said given trader, displaying only the earlier such quote entered into the trading system (col. 7 and col. 8 –Table 1; col. 3, lines 8-20, col. 7, lines 42-63, and col. 9, line 54-col. 10, line 18).

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams et al (US 3,573,747) disclosed the sale or exchange of fungible properties.

Musmanno (US 4,376,978) disclosed a securities brokerage cash management system.

### **Inquiries**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the

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E. Colbert  
November 27, 2004

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